



**BEST AVAILABLE COPY**

MVMDINC.005A

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Andrew G.C. Frazier et al. )  
App. No. : Unknown )  
Filed : Herewith )  
For : METHOD AND APPARATUS FOR )  
CLOSING A BODY LUMEN )  
Examiner : Unknown )

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**ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION**  
**AND**  
**REVOCATION AND POWER OF ATTORNEY**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and

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revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

MILL VALLEY MEDICAL DEVICES, INC.

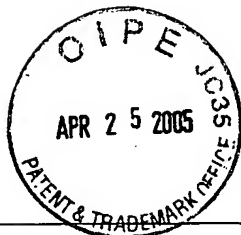
Dated: 9/17/99

By:   
Michael D. Lesh, M.D.

Title: Chairman & Chief Executive Officer

Address: 530 Logue Avenue  
Mountain View, CA 94043

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MVMDINC.5DV1C1

CUSTOMER NO.: 20995

**TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321**

Applicant	:	Frazier, et al.
Appl. No.	:	10/696,799
Filed	:	October 30, 2003
For	:	METHOD AND APPARATUS FOR CLOSING A BODY LUMEN
Examiner	:	Manuel Mendez
Group Art Unit	:	3763

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Empowerment of Attorney*

Pursuant to 37 C.F.R. § 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee ev3 Sunnyvale, Inc. ("Assignee"), by virtue of a Power of Attorney executed on September 17, 1999, a copy of which is attached.

*Right of Assignee and Ownership*

In accordance with 37 C.F.R. § 3.73(b), Assignee represents that it is the owner of a 100 percent interest in the above-captioned application and in U.S. Patent No. 6,641,557 by virtue of an assignment and name change documents recorded at Reel No. 010261, Frame No. 0181; Reel No. 012322, Frame No. 0178; and Reel No. 013403, Frame No. 0477 by the Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

*Disclaimer by Assignee*

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-captioned application that would extend beyond the expiration date of the full

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statutory term of U.S. Patent No. 6,641,557, and hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that the instant application and U.S. Patent No. 6,641,557 are co-owned. This agreement extends to any patent granted on the above-captioned application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-captioned application prior to the earlier of the expiration date of the full statutory term of U.S. Patent No. 6,641,557 and that of any patent issuing on the above-identified application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

This Terminal Disclaimer is accompanied by the \$130 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4-25-05

By: 

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